IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19457 of 2004

Between:

V. Jagadesh Kumar, S/o Veera Venkata Satyanarayana,
R/o H.No. 5-8, Kottipalli Village & Post, Ramachandrapuram Taluka,

E.G. District.

..... PETITIONER

AND

1 The Government of A.P. rep. by its Secretary,
Industries & Commerce Department, Secretariat, Hyderabad.
2 The District Level Committee, rep. by its Chairman, East Godavari District.
3 The District Panchayat Officer, East Godavari District, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to to issue an order or writ one in the nature of Writ of Mandamus declaring the auction Notification No. 3750/2004/A4, Form-A/Rule 9-C, dt. 2-10-2004, in notifying Kotipalli Reach under Package No.5 without considering the case of the Petitioner Under Rule 9(L) of A.P. Minor Mineral Concession Rules, 1966 as arbitrary, illegal, unjust and consequently call for the records and set aside the same.

Counsel for the Petitioner:SMT.N.SHOBA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER

Admittedly by notification dated 01.10.2004 tenders are invited for temporary permits for sand quarrying in the reaches of the Godavari River. The petitioner, who participated in the auction for package No.5, was granted temporary permit for querying the sand from 06.10.2004 to 20.10.2004 by order of the third respondent dated 05.10.2004. Since the permission granted to the petitioner is only a temporary permit and would valid only upto 20.10.2004, respondents issued impugned notification dated 02.10.2004 inviting tenders for grant of lease hold rights of the sand quarrying for the period from 21.10.2004 to 30.9.2005. This writ petition is filed to declare the said notification as illegal and arbitrary.

Since the petitioner was granted only a temporary permit which would valid upto 20.10.2004, he do not have any right to seek for extension of the lease and he cannot question the issuance of the impugned notification in which tenders were invited for grant of lease hold rights for the period from 21.10.2004 to 30.9.2005. The only submission of the learned counsel for the petitioner that the petitioner is entitled for further extension of permit upto 60 days under Rule 9(L) of A.P. Minor Mineral Concession Rules, 1966 cannot be countenanced for the reason that under the said rule the extension of permit is not a mandatory. Since no other ground is urged, I see no merit in the writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

A. GOPAL REDDY. J.

28th October, 2004

tsr.

To

1 The Secretary, Government of A.P. ,
Industries & Commerce Department, Secretariat, Hyderabad.
2 The Chairman, District Level Committee, East Godavari District.
3 The District Panchayat Officer, East Godavari District, Kakinada

4 Two CCs to Government Pleader for Panchayat Raj &Rural Development,
High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.